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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,204	11/16/1999	DAVID VERCHERE	56490.000002	3995

21967 7590 08/27/2002

HUNTON & WILLIAMS
INTELLECTUAL PROPERTY DEPARTMENT
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WASHINGTON, DC 20006-1109

EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/441,204

Applicant(s)

VERCHERE, DAVID

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 and 20-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 15 June 2002 have been fully considered but they are not persuasive. All claims pending, 10, 20, and 21-30 have been reviewed in light of applicant's amendment and respectfully stand rejected. New art was cited to overcome new claims 21-30, and same new art was used to overcome amended claims 10 and 20. This is a final rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 10 and 20 are rejected under 35 USC 103(a) as being unpatentable over PR Newswire (a collection of articles cited in PTO-892, page 1 Items: U and V), in view of Business Wire (a collection of articles cited in PTO-892, page 1 Items: W and X).**

PR Newswire teaches a system and method of providing complete personalization and customization online via Starbelly.com, a business-to-business and consumer e-tailer of custom-decorated brand-name merchandise. PR Newswire teaches Starbelly.com adopting the Oracle 8i database management system, custom-decorating brand-name products using a design library of more than 300,000 images or user's using their own logos or designs that can be uploaded via the Internet, and facilitating image placement. PR Newswire further teaches providing the latest in e-commerce mass customization technology and applies it to custom-made embroidered, screen-printed, and imprinted items of all types (see Item: U (page 1 of 1)). PR Newswire teaches Starbelly.com as being the Dell.com of custom-decorated products providing access to brand name products (e.g. Champion, Hanes, Lee, London Fog), allowing businesses to create logo-decorated promotional products in real-time, establishing just-in-time supplies (e.g. logo uniforms), and providing businesses with technology to establish web-based company stores of branded products. PR Newswire further teaches Starbelly.com revolutionizing an inefficient \$50 billion industry that is bloated with middlemen who inflate prices and delay service, and providing a value proposition that allows customers to select, customize, and visualize an order in minutes versus the traditional approach of days or weeks (see page 2 Item: V (page 1 of 2)). This examiner takes the position that Starbelly.com's web-based company store model provides both resellers and vendors venues for showcasing promotional products and services capabilities,

and that access to a company store associated with a company can be bounded to a group associated with the company based on the company's definition of what comprises a group. Furthermore, to provide businesses with the capability to establish a web-based company, each authorized business must have a point-of-entry interface access to establish the store and maintain the store. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to include web-based company stores as taught by PR Newswire, in order to showcase each vendor or reseller's products and services.

PR Newswire teaches all the above as noted under the 103(a) rejection and further teaches a revolutionary efficiency-focused value proposition targeted for business-to-business commerce, but does not disclose how customers are presented with pricing for products and services rendered. Business Wire teaches BizBuyer.com as being a business-to-business buyer-driven online marketplace that is launching more than 20 categories where buyers can post their purchasing requirements to obtain competitive bids from qualified vendors (see Item W (pages 1-2)). Business Wire discloses one of the categories to be "sales & marketing." This examiner takes the position that in most businesses, sales or marketing organizations are responsible for purchasing company promotional products to support advertising, tradeshow, customer events, and other company-sponsored events. Business Wire further teaches BizBuyer.com's value proposition as being: making better purchasing decisions in less time (see Item X (page 1)). Therefore it would have been obvious to one of ordinary skill in

the art to modify the system and method disclosed by PR Newswire to include a bidding module as taught by Business Wire, in order to improve purchasing decision effectiveness through better efficiency in reaching out to qualified vendors.

2. **Claims 21, 23, 26, and 28 are rejected under 35 USC 103(a) as being unpatentable over PR Newswire (a collection of articles cited in PTO-892, page 1 Items: U and V).**

PR Newswire teaches a system and method of providing complete personalization and customization online via Starbelly.com, a business-to-business and consumer e-tailer of custom-decorated brand-name merchandise. PR Newswire teaches Starbelly.com adopting the Oracle 8i database management system, custom-decorating brand-name products using a design library of more than 300,000 images or user's using their own logos or designs that can be uploaded via the Internet, and image placement. PR Newswire further teaches providing the latest in e-commerce mass customization technology and applies it to custom-made embroidered, screen-printed, and imprinted items of all types (see at page 2 Item: U (page 1 of 1)). PR Newswire teaches Starbelly.com as being the Dell.com of custom-decorated products providing access to brand name products (e.g. Champion, Hanes, Lee, London Fog), allowing businesses to create logo-decorated promotional products in real-

time, establishing just-in-time supplies (e.g. logo uniforms), and providing businesses with technology to establish web-based company stores of branded products. PR Newswire further teaches Starbelly.com revolutionizing an inefficient \$50 billion industry that is bloated with middlemen who inflate prices and delay service, and providing a value proposition that allows customers to select, customize, and visualize an order in minutes versus the traditional approach of days or weeks (see page 2 Item: V (page 1)). This examiner takes the position that Starbelly.com's web-based company store model provides both resellers and vendors venues for showcasing promotional products and services capabilities, and that access to a company store associated with a company can be bounded to a group associated with the company based on the company's definition of what comprises a group. Furthermore, to provide businesses with the capability to establish a web-based company, each authorized business must have a point-of-entry interface access to establish the store and maintain the store. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to include web-based company stores as taught by PR Newswire, in order to showcase each vendor or reseller's products and services.

- 3. Claims 22 and 27 are rejected under 35 USC 103(a) as being unpatentable over PR Newswire, in view of Graham (PTO-892, page 2 Item: U).**

PR Newswire teaches all the above as noted under the 103(a) rejection and further teaches Starbelly.com serving as an intermediary and improving efficiencies created by eliminating manual processes with middlemen, but does not disclose a process to keep existing customers engaged in the service. Graham teaches the Internet's impact on remaking the distribution chain and its impact on middlemen and truisms in the brick and mortar world being relegated to myths in the virtual world. Graham teaches convenience as being the customer's top priority, customer's interacting with promotional products middlemen, and Wall Street Journal interacting with its subscribers to keep them engaged with their online service. Graham further teaches Wall Street subscribers receiving an email reminder if the subscriber is not using the site. Graham continues to disclose a business objective to keep pulling the customer closer and closer, a process requiring constant reinforcement, and further comments on how customers appreciate the reminders. This examiner takes the position that promotional events are tightly coupled with the distribution of promotional products at the event, and that sales and marketing organizations calendaring systems, electronic or physical calendars, to alert them to the need to order promotional products for these events. In light of the teachings of Graham, it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and methods of Starbelly.com as disclosed by PR Newswire, to include online reminders as taught by Graham, in order to create additional pull to the promotional products site and thereby gain better

favor with customers by keeping them on schedule with promotional products inventory.

4. Claims 24 and 29 are rejected under 35 USC 103(a) as being unpatentable over PR Newswire, in view of M2 Presswire (PTO-892, page 2 Item: W).

PR Newswire teaches all the above as noted under the 103(a) rejection and further teaches the founder and CEO comparing Starbelly.com to Dell.com, but does not disclose how Starbelly.com tracks its customers. M2 Presswire teaches Dell Computer's online store and its Premier Page program offering for individual businesses to purchase Dell equipment, track orders, view management reports of their Dell business, and view their purchasing histories. M2 Presswire further teaches Dell tracking web hits and using statistical information to analyze customer usage trends (see page 1). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Starbelly.com as disclosed by PR Newswire, to include customer tracking as taught by M2 Presswire, in order to track individual customers and web site usage and thereby collect data useful for marketing purposes.

- 5. Claims 25 and 30 are rejected under 35 USC 103(a) as being unpatentable over PR Newswire, in view of Business Wire (a collection of articles cited in PTO-892, page 1 Item: W and X).**

PR Newswire teaches all the above as noted under the 103(a) rejection and further teaches a revolutionary efficiency-focused value proposition targeted for business-to-business commerce, but does not disclose how customers are presented with pricing for products and services rendered. Business Wire teaches BizBuyer.com being a business-to-business buyer-driven online marketplace that is launching more than 20 categories where buyers can post their purchasing requirements to obtain competitive bids from qualified vendors (see Item W (pages 1-2)). Business Wire discloses one of the categories to be "sales & marketing." In most business, sales or marketing organizations are responsible for purchasing company promotional products to support advertising, tradeshows, customer events, and other company-sponsored events. Business Wire further teaches BizBuyer.com's value proposition as being: making better purchasing decisions in less time (see Item X (page 1)). Therefore it would have been obvious to one of ordinary skill in the art to modify the system and method disclosed by PR Newswire to include a bidding module as taught by Business Wire, in order to improve purchasing decision effectiveness through better efficiency in reaching out to qualified vendors.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US 6,414,693 (Berger et al.) 02 July 2002; teaches a system and method of creating customized or semi-custom products for promotional purposes.

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- Business Wire ("Gifted Solutions Announces Its Gifts Services Engine," 06 October 1999, Dialog file 610 #00115430); teaches online gift giving service that includes e-mail event reminders, wish lists, gift histories, product recommendations based on recipient's demographics, personalized gift catalogs, and gift profile manager.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

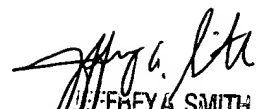
or faxed to:

703-305-7687 (Official communications; including After Final communications labeled "Box AF")

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RMP
August 21, 2002


JEFFREY A. SMITH
PRIMARY EXAMINER